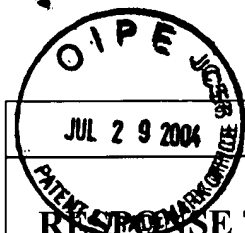


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JH



EXPRESS MAIL LABEL NO. EV 462 737 295 US

RESPONSE TO RESTRICTION REQUIREMENT Address to: Commissioner of Patents and Trademarks Washington, D.C. 20231	Application No.	10/072,640
	Confirmation No.	3253
	Filing Date	February 6, 2002
	First Named Inventor	BENETTI DIAZ de BRITO, JUAN IGNACIO
	Examiner	THANH, LOAN H.
	Group Art Unit	3763
	DOCKET NO.	ACME-001

Sir:

This is in response to the Restriction Requirement dated June 30, 2004. The Examiner therein required election of one of the following groups of claims:

- Group I: Claims 1-24, drawn to a system for monitoring and controlling temperature of an organ;
 and
 Group II: Claims 25-39, drawn to a method of monitoring and controlling temperature of an organ.

Applicants hereby elect to prosecute the claims of Group I, claims 1-24 with traverse. As stated in the MPEP §803, if search and examination of an entire application can be made without serious burden, the examiner must examine it, on the merits, even though it includes claims to independent or distinct inventions. It is Applicants' position that it would not be unduly burdensome to perform a search on claims 1-39 together. Furthermore, while the system and method claims are related as a product and a process for using a product, the method claims, as written, are limited to use of the system of claim 1, not just any product. Accordingly, the two claimed inventions are not so distinct as to require restriction. Applicants traverse the restriction requirement.

Applicants expressly reserve the right under 35 USC §121 to file a divisional application directed to the non-elected subject matter or any subject matter disclosed in this application during the pendency of this application.



Atty Dkt. No.: ACME-001

USSN: 10/072,640

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number ACME-001.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: _____

7/29/04

By: _____

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/072,640
		Filing Date	February 6, 2002
		First Named Inventor	BENETTI, JUAN IGNACIO
		Group Art Unit	3763
		Examiner Name	THANH, LOAN H.
Total Number of Pages in This Submission		Attorney Docket Number	ACME-001
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Restriction Requirement; postcard	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer		
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signing Attorney/Agent (Reg. No.)	CAROL M. LASALLE, 39.740 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	July 29, 2004		

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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